

Honorable Walter J. Dewees, City Councilman (cont'd)

sued for injuries incurred by the Plaintiff when her car struck an unlighted safety pylon at night. The City was dismissed on the theory that the pylon was installed and maintained by the Police Department, the Police Department being a state rather than a city agency. Undoubtedly the assumption of the maintenance of these safety pylons would deprive the City of this defense in future cases involving collisions between automobiles and these pylons. However, it should be noted that the Green case was decided in 1942, and that Section 139 of Article 66½ did not become law until 1943. If the City is already obligated to maintain safety pylons under Section 139 as concluded earlier in this opinion, this defense is already gone and the passage of Ordinance No. 2436 will have no additional effect thereon.

For the reasons set forth in this opinion, I can see no legal objection to the enactment of Ordinance No. 2436.

Very truly yours,

/s/ THOMAS N. BIDDISON
City Solicitor

/s/ JOHN J. GHINGHER, JR.
Assistant City Solicitor

JGG/kf

File No. 87014

February 27, 1951

Mr. P. W. Wilkinson, Executive Secretary
Board of Fire Commissioners
Lexington and Gay Streets
Baltimore - 2, Maryland

Dear Mr. Wilkinson:

This letter is in answer to your correspondence of February 2, 1951, and in supplement of the telephone conversations during the past week.

You have the problem of organizing an "Auxiliary Fire Brigade - Civil Defense". To effect this, the Board of Fire Commissioners is seriously considering enlisting young men between the ages of 18 and 21, in addition to men in older age groups.